

IC 13-18-17

Chapter 17. Groundwater Protection

IC 13-18-17-1

Interagency groundwater task force; powers and duties

Sec. 1. (a) The interagency groundwater task force is established to do all of the following:

- (1) Study groundwater contamination in Indiana.
- (2) Coordinate efforts among the agencies to address groundwater pollution problems.
- (3) Coordinate the implementation of the Indiana groundwater quality protection and management strategy.
- (4) Develop policies to prevent groundwater pollution.

(b) The task force consists of the following:

- (1) The commissioner.
- (2) The director of the department of natural resources.
- (3) The commissioner of the state department of health.
- (4) The state chemist.
- (5) The state fire marshal.
- (6) One (1) representative of the business community.
- (7) One (1) representative of the environmentalist community.
- (8) One (1) representative of the agricultural community.
- (9) One (1) representative of labor.
- (10) One (1) representative of local government.

(c) The governor shall appoint the members provided for in subsection (b)(6) through (b)(10). The term of a member appointed under this subsection is two (2) years. A member may be appointed to successive terms.

(d) Each member of the task force who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) An agency head listed in subsection (b):

- (1) shall provide staff support to the task force; and
- (2) may appoint a proxy to participate in task force proceedings when the agency head is not present.

(f) The agency heads referred to in subsection (b)(1) through (b)(5) shall invite participation in the task force by representatives of the governor's office and the United States Environmental Protection Agency.

(g) The task force may adopt bylaws to govern the conduct of task force activities. The task force shall hold at least one (1) public meeting in four (4) months.

(h) The task force shall present an annual report on the activities of the task force to the governor and the general assembly. A report presented under this subsection to the general assembly must be in an electronic format under IC 5-14-6.

As added by P.L.1-1996, SEC.8. Amended by P.L.28-2004, SEC.118.

IC 13-18-17-2

Registry of contaminated sites

Sec. 2. (a) The department, with the assistance of other state agencies as requested, shall establish and maintain a registry of sites within Indiana at which contamination of groundwater has been detected.

(b) The information in the registry shall be made available to the public under IC 5-14-3 for inspection and copying during ordinary business hours.

(c) The department shall continuously supplement and clarify information in the registry as additional information on sites with groundwater contamination becomes available.

As added by P.L.1-1996, SEC.8.

IC 13-18-17-3

Groundwater quality clearinghouse

Sec. 3. (a) The department, with the assistance of other state agencies as requested, shall establish and operate a groundwater quality clearinghouse within the department.

(b) The groundwater quality clearinghouse established under this section shall do all of the following:

- (1) Receive complaints about groundwater contamination.
- (2) Screen reports of groundwater pollution.
- (3) Ensure that complaints and reports are adequately investigated.
- (4) Provide information to the public about groundwater and groundwater pollution.
- (5) Coordinate the management of groundwater quality data in Indiana.

As added by P.L.1-1996, SEC.8.

IC 13-18-17-4

Investigation; contamination of private water supply wells; advisory; emergency action

Sec. 4. (a) The department under IC 13-14-2-2:

- (1) may investigate allegations of; and
- (2) shall investigate confirmed incidents of;

contamination of groundwater that affect private water supply wells.

(b) The commissioner shall:

- (1) issue an advisory to the users and owners of a water well found to be contaminated concerning the hazards to health posed by the contamination;
- (2) take emergency action, including emergency action under IC 13-14-10, to reduce exposure to well water contaminants that pose a threat to human health; and
- (3) as appropriate to safeguard human health, order abandonment of contaminated water wells.

As added by P.L.1-1996, SEC.8.

IC 13-18-17-5

Water pollution control board; quality standards; onsite sewage systems

Sec. 5. (a) The board shall adopt rules under IC 4-22-2 establishing groundwater quality standards that include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply. The standards established under this subsection shall be used for the following purposes:

- (1) To establish minimum compliance levels for groundwater quality monitoring at regulated facilities.
- (2) To ban the discharge of effluents into potable groundwater.
- (3) To establish health protection goals for untreated water in water supply wells.
- (4) To establish concentration limits for contaminants in ambient groundwater.

(b) Except as provided in subsection (c) and subject to subsection (d), the following agencies shall adopt rules under IC 4-22-2 to apply the groundwater quality standards established under this section to activities regulated by the agencies:

- (1) The department.
- (2) The department of natural resources.
- (3) The state department of health.
- (4) The office of the state chemist.
- (5) The office of the state fire marshal.

(c) The executive board of the state department of health may not adopt rules to apply the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.

(d) Any rule adopted by the executive board of the state department of health is void to the extent that the rule applies the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the Indiana water pollution control board under subsection (a) to onsite sewage systems.

As added by P.L. 1-1996, SEC.8. Amended by P.L. 168-1999, SEC.1; P.L. 24-2004, SEC.6.

IC 13-18-17-6

Water pollution control board; protection zones; notice and hearing

Sec. 6. (a) The board shall adopt rules under IC 4-22-2 to establish protection zones around community water system wells.

(b) The state agencies referred to in section 5(b) of this chapter may not permit activities within the zones established under subsection (a) that would violate the rules or interfere with the purposes of the rules.

(c) The department shall establish and operate a program of education and assistance to local officials in developing and managing well field protection zones.

(d) The rules adopted under subsection (a) or any zoning under

IC 36-7 to establish protection zones around community water system wells may not restrict any activity by:

- (1) an owner of land;
- (2) a mineral owner; or
- (3) a mineral leaseholder of record;

unless the owner or leaseholder is sent written notice of, and has an opportunity to be heard on, the establishment of the zone and the construction of the community public water system that caused the establishment of the zone.

(e) A person that requests a permit for construction of a community water system or establishment of a well field protection zone is responsible for any notice requirements the board establishes. *As added by P.L.1-1996, SEC.8. Amended by P.L.25-1997, SEC.13; P.L.184-2002, SEC.23.*

IC 13-18-17-7

Water pollution control board; construction and monitoring of surface impoundments; application

Sec. 7. (a) The board shall adopt rules under IC 4-22-2 for the construction and monitoring of surface impoundments, including pits, ponds, and lagoons, used for the storage or treatment of nonhazardous waste and wastewater.

(b) The requirements of the rules adopted under this section must apply to all the state agencies referred to in section 5(b) of this chapter.

As added by P.L.1-1996, SEC.8.